

REMARKS

The Applicant has received and reviewed the Final Official Action mailed by the Office on 29 March 2006 (hereinafter, the "Action"), and submits this paper as a fully-responsive reply thereto. This paper is submitted with a request for continued examination (RCE). The Applicant respectfully requests reconsideration and favorable action on the subject application.

Claims 1-10, 12-13, 16-19 and 21-24 are pending in the application. The Applicant responds to the § 102 and § 103 rejections as set forth below under appropriate headings.

Rejections Under § 102

Claims 1-2, 4-10, and 16-19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,582,392 to Bajric, et al. (hereinafter, "Bajric"). The Applicant respectfully traverses these rejections.

Turning to **independent claim 1**, the Applicant reproduces this claim here, with emphasis added for convenience of discussion:

"An apparatus for running wire, the apparatus comprising:

a projectile launcher, comprising:

a housing including *a biasing member attached to a piston*; and

a locking member for retaining the piston in a biased position and

for triggering release of the piston,

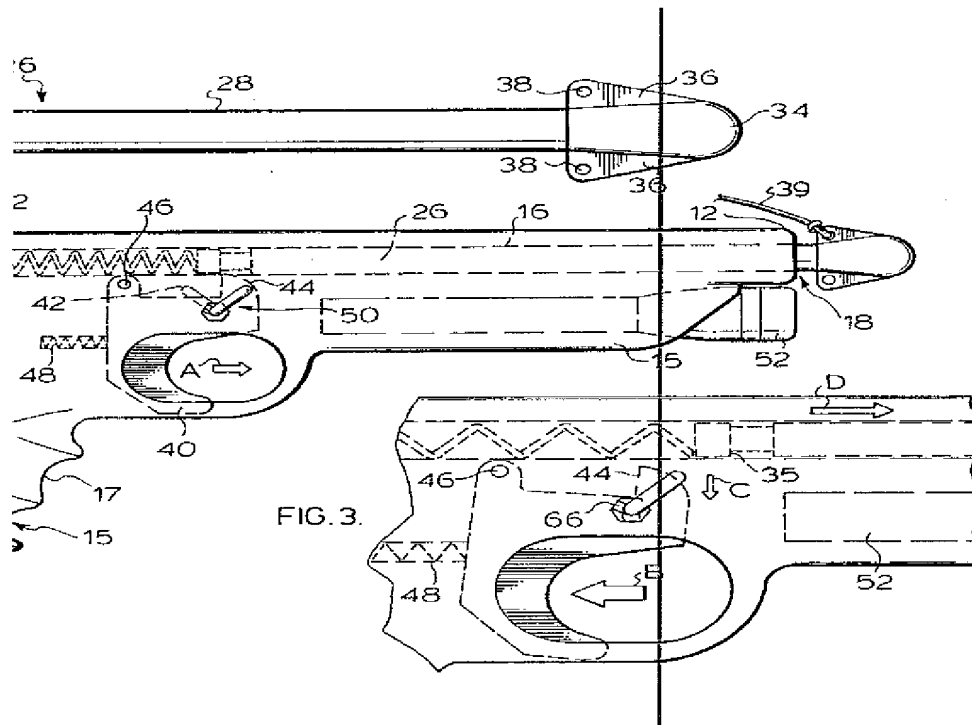
a pull string,

a projectile adapted to connect to the pull string;

wherein the piston accelerates upon release and propels the pull string attached to the projectile toward a target, and

wherein the projectile and the pull string are not connected to the projectile launcher upon release of the piston."

The Applicant submits that Bajric does not disclose "a housing including a *biasing member attached to a piston*", as recited in claim 1. Bajric pertains generally to a wire stringing device. On page 2 of the Action, the Office cited Figure 1 of Bajric, noting a housing 10, a locking member 40, a piston 26, a coil spring 22, and a notch above 44. For convenience, the Applicant reproduces Bajric's Figures 1-3 here:



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5,582,392

Apparently, the Action read the Applicant's recited "biasing member" onto Bajric's reference 22, which Bajric terms a "compression spring". The Action also read the Applicant's recited "piston" onto Bajric's reference 26. However, Bajric's reference 26 is a projectile that flies free from the Bajric spring when the

1 projectile is launched. See, for example, the Abstract of Bajric. Bajric's projectile
2 is not "attached" to Bajric's compression spring, because Bajric's projectile would
3 not leave the gun when the projective is launched. Therefore, Bajric does not
4 disclose "a housing including a *biasing member attached to a piston*", as recited in
5 claim 1.

6 On at least the foregoing basis, the Applicant submits that Bajric does not
7 support a § 102 rejection of claim 1. The Applicant thus requests reconsideration
8 and withdrawal of the § 102 rejection of claim 1.

9 Claims 2, 4-10, and 16-18 depend directly or directly from claim 1, and
10 stand rejected on similar grounds. Accordingly, the comments directed above to
11 claim 1 apply equally to claims 2, 4-10, and 16-18.

12 Turning to **independent claim 19**, the Applicant has amended claim 19 to
13 recite features similar to those discussed above in connection with claim 1. For
14 convenience, the Applicant reproduces here a portion of claim 19, with revisions
15 shown in redline:

16 "projectile launching means, comprising:

17 a piston;

18 biasing means for accelerating a-the piston, wherein the biasing means is attached
19 to the piston; and

20 locking means for retaining the piston in a biased position and for triggering
21 release of the piston; and"

22 locking means for retaining the piston in a biased position and for triggering release of
23 the piston".
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1 The Applicant submits that Bajric does not disclose “biasing means for
2 accelerating a piston, *wherein the biasing means are attached to the piston*”, as
3 recited in claim 19.

4 On at least the foregoing basis, the Applicant submits that Bajric does not
5 support a § 102 rejection of claim 19. The Applicant thus requests reconsideration
6 and withdrawal of the § 102 rejection of claim 19.

7 Rejections Under § 103

8 **Claims 12-13** stand rejected under 35 U.S.C. § 103(a) as being
9 unpatentable over Bajric in view of U.S. Patent No. 6,732,725 to Doud
10 (hereinafter, “Doud”). The Applicant respectfully traverses these rejections.

11 Claims 12 and 13 depend from claim 1. The Action cited Doud for its
12 teaching related to guide slots in a housing for receiving guide pins attached to the
13 piston. Without conceding that Doud provides the teaching for which it is cited in
14 the Action, the Applicant submits that Doud fails to provide the teaching missing
15 from Bajric that is necessary to support a rejection of claim 1. On at least this
16 basis, the Applicant requests reconsideration and withdrawal of the § 103
17 rejections of claims 12 and 13.

18 **Claims 3 and 21-24** stand rejected under § 103(a) as being unpatentable
19 over Bajric in view of U.S. Patent No. 6,889,982 to Gove (hereinafter, “Gove”).
20 The Applicant respectfully traverses these rejections.

21 First, regarding dependent claims 3, 21, and 22, these claims depend from
22 independent claim 1, which was discussed in detail above. Thus, the comments
23 directed above to claim 1 apply equally to claims 3, 21, and 22. Additionally, the
24 Applicant submits that Gove does not provide the teaching missing from Bajric
25 that is necessary to support a rejection of claim 1.

1 Second, regarding independent claim 23, the Applicant submits that Bajric
2 neither teaches nor suggests "a coil spring ... *attached* to the piston", as recited in
3 claim 23. Independent claims 1 and 19 recite similar features, and were discussed
4 in detail above. The comments directed above to claims 1 and 19 thus apply
5 equally to claim 23.

6 Dependent claim 24 depends from independent claim 23, so the comments
7 directed to independent claim 23 apply equally to dependent claim 24.

8 Third, regarding the rejections of claims 3 and 21-24 generally, the
9 Applicant submits that Gove is non-analogous art relative to the subject matter
10 recited in claims 3 and 21-24. Section 2141.01(a) of the MPEP provides the
11 following guidance for identifying analogous art in the context of § 103, with
12 underlining added for convenience of discussion:

13 ***I. < TO RELY ON A REFERENCE UNDER 35 U.S.C. 103, IT MUST BE***
14 ***ANALOGOUS PRIOR ART***

15 The examiner must determine what is "analogous prior art" for the purpose of analyzing
16 the obviousness of the subject matter at issue. "In order to rely on a reference as a basis
17 for rejection of an applicant's invention, the reference must *either* be in the field of
18 applicant's endeavor or, if not, then be reasonably pertinent to the particular problem
19 with which the inventor was concerned." *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d
20 1443, 1445 (Fed. Cir. 1992). See also *In re Deminski*, 796 F.2d 436, 230 USPQ 313 (Fed.
21 Cir. 1986); *In re Clay*, 966 F.2d 656, 659, 23 USPQ2d 1058, 1060-61 (Fed. Cir. 1992)
22 ("A reference is reasonably pertinent if, even though it may be in a different field from
23 that of the inventor's endeavor, it is one which, because of the matter with which it deals,
24 logically would have commended itself to an inventor's attention in considering his
25 problem."); *Wang Laboratories Inc. v. Toshiba Corp.*, 993 F.2d 858, 26 USPQ2d 1767
(Fed. Cir. 1993); and *State Contracting & Eng'g Corp. v. Condotte America, Inc.*, 346
F.3d 1057, 1069, 68 USPQ2d 1481, 1490 (Fed. Cir. 2003) (where the general scope of a
reference is outside the pertinent field of endeavor, the reference may be considered
analogous art if subject matter disclosed therein is relevant to the particular problem with
which the inventor is involved).

23 Thus, to qualify as analogous art, a reference must either: (1) be in the field
24 of applicant's endeavor or, if not, then (2) be reasonably pertinent to the particular
25 problem with which the inventor was concerned.

1 Turning to the first prong of the above analysis, the Applicant's
2 specification pertains generally to ceiling cord puller propellers. Gove pertains
3 generally to an indoor/outdoor game. The Applicant submits that the game
4 disclosed by Gove is clearly not within the field of ceiling cord puller propellers.
5 Therefore, Gove fails the first prong of the above analysis, and the discussion
6 proceeds to the second prong of the above analysis.

7 Turning to the second prong of the above analysis, the Applicant submits
8 that Gove is not reasonably pertinent to the particular problem with which the
9 inventors of the Applicant's subject matter were concerned. As stated in
10 Paragraph [0001] of the Applicant's specification, "The present invention is
11 directed generally and in various embodiments to a device for propelling a cord
12 puller through ceiling openings." The Applicant submits that an inventor
13 concerned with the problem of propelling a cord puller through ceiling openings
14 would not look to gaming-related art, such as Gove, for solutions to this problem.
15 Therefore, Gove also fails the second prong of the above analysis, and fails to
16 qualify as analogous art under § 103.

17 Because Gove is not analogous art, Gove does not support § 103 rejections
18 of claims 3 and 21-24, whether Gove is considered alone or in combination with
19 Bajric.

20 On at least the foregoing bases, the Applicant submits that Bajric and Gove
21 fail to support § 103 rejections of claims 3 and 21-24. The Applicant thus requests
22 reconsideration and withdrawal of the § 103 rejections of claims 3 and 21-24.
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1 **Conclusion**

2 The Applicant respectfully requests reconsideration and withdrawal of the
3 rejections of the pending claims. If any issue remains unresolved that would
4 prevent allowance of this case, the Examiner is requested to contact the
5 undersigned attorney to resolve the issue.

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8 Date: 29 JUN 06

Respectfully Submitted,

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